

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the following comments are respectfully requested.

The instant amendment supplements the amendment which was filed on August 4, 2010.

Claims 31 - 49, 51 - 71, 87 and 88 are pending in the application. Currently, claims 31 - 49, 51 - 71, 87 and 88 stand rejected.

By the present amendment, new claim 89 has been added to the application.

In the office action mailed May 5, 2010, claims 31 - 49, 51 - 71, 87, and 88 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,980,404 to Aydin et al.

The rejection is traversed by instant response.

Claim 31 pending in the application is directed to an element having a surface on which a one-component adhesive is applied at least on a section thereof, the moisture content of which is reduced after application up to the point of moisture content equilibrium, said one-component adhesive being block-free and having a surface with a static friction of at least about 1 N/mm².

In order for a reference to anticipate a claim, each and every feature of the claim must be expressly or inherently described in the reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. See *Richardson v. Suzuki Motor Co.*, 868

F.2d 1226, 1236 (Fed. Cir. 1989). Further, the elements must be arranged as in the claim. See *NetMoneyIN, Inc. v. Verisign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008).

The rejection made by the Examiner fails because there is no express disclosure in Aydin et al. that the adhesive is "block-free." The words "block-free" do not appear in Aydin et al. Further, the Examiner has failed to make out a case of anticipation by inherency. The Examiner has cited no extrinsic evidence which would establish that the Aydin et al. adhesive is block-free. The best that the Examiner can say is that "... appear to read on the presently claimed properties of 'being block-free' and static friction." Anticipation is based on the existence of facts, not appearances. The Examiner has simply not borne the Examiner's burden of establishing a prima facie case of anticipation.

Further, the Aydin et al. patent discloses a one-component adhesive which is applied to the surface of an element. The moisture content of the adhesive is reduced after application. It is unclear from Aydin et al. however that the moisture content is reduced up to the point of moisture content equilibrium as required by claim 31. Instead, the second element or material is usually applied to the still wet adhesive. This and the still limited shelf life are strong indicators that the adhesive described in Aydin et al. is a tacky, not block-free, adhesive.

The Aydin et al. patent does not disclose precise measurement of the static friction of the surface of the adhesive. From the disclosure, one only learns that after

bonding with another material, the high temperature strengths appear to be high.

The basic difference between the invention set forth in the claims of the instant application and the Aydin et al. patent is that the adhesive of the present invention is block-free and Aydin et al.'s adhesive is not. The Aydin et al. disclosure shows that a conventional adhesive has been developed. The Aydin et al. adhesive has a shelf life not less than six months (see col. 1, lines 46 -47). The examples show that the dispersion of the adhesive is applied to various elements or materials. It is then dried for several minutes. Thus, the water content is reduced but there is no disclosure that moisture equilibrium has been reached. Immediately after this minute-long drying period, another element or material covers the adhesive dispersion, is pressed onto the adhesive, is stored, and is finally tested with regard to high-temperature strengths. In contrast to this, it is essential for the adhesive according to the present invention, that once applied to the element and dried until moisture-equilibrium has been achieved, this layer of adhesive needs to be block-free in order to offer sufficient adhesive strength if covered by material at a much later time.

Aydin et al. discloses a conventional gluing process. Aydin et al. does not address a situation where a layer of glue needs to maintain its bonding or gluing strengths for hours, days, weeks or months in the presence of dust. The adhesive disclosed in Aydin et al. is simply not block-free.

In support of their position, Applicants hereby submit the declaration of Mr. Roger Braun, a co-inventor in this case, and

an individual who works with adhesives on a daily basis. As noted by Mr. Braun in paragraph 7, the Aydin reference being relied upon by the Examiner does not address or disclose information about a block-free adhesive. Mr. Braun, in the same paragraph, also addresses the fact that Aydin does not disclose the claimed static friction of at least about 1 N/mm². It is clear from Mr. Braun's declaration that the Aydin reference does not anticipate or render obvious the claimed invention.

For these reasons, pending claim 31 is allowable.

Claims 32 - 49, 51 - 71, and 87 - 88 are allowable for the same reasons as claim 31 as well as on their own accord. With regard to these claims, the Examiner has not pointed out where in Aydin et al. the features of these claims can be found. It is the Examiner's burden to specifically point where the subject matter of each of these claims can be found in the reference. The Examiner has not done this. Thus, the anticipation rejection of these claims fails.

New claim 89 is allowable for the same reasons as claim 31.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

The Director is hereby authorized to charge the extra independent claim fee in the amount of \$220.00 to Deposit Account No. 02-0184. Should the Director determine that an

additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

Roger Braun et al.

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